Remarks

As stated above, Applicants appreciate the Examiner's thorough examination of the subject application and requests reexamination and reconsideration of the subject application in view of the following remarks.

In the subject application, claims 1, 2, and 28-47 are pending, of which claims 1 and 37 are independent claims, and claims 2, 28-36, and 38-47 are dependent. Applicants have amended claims 1, 29, and 37-47. Applicants respectfully submit that no new matter is believed to have been added as a result of these amendments.

Claim Objections

Claims 37-47 are objected to for minor informalities. More specifically, claims 37-47 are objected to because they recite in the preamble the term "article", and the Examiner believes it is unclear how the claims constitute an apparatus or system. Applicants have amended claims 37-47 by removing the term "article" and replacing it with "computer program product". Support for Applicants' amendment to claims 37-47 may be found in paragraphs [0022] and [0053] of the subject application, as published. Paragraphs [0022] and [0053] are provided below for the Examiner's convenience:

> [0022] In another aspect, the invention features a system for implementing a merger of at least two organizations, wherein **the software product can be adapted to present an interface for planning, managing, and assessing human resource information**, wherein the human resource information can include at least one of a hiring date, a benefit scale, and an indicator of employee absenteeism. (*See* the subject application, as published, paragraph [0022]; emphasis added.)

> [0053] **As shown in FIG. 1, a system 10 includes a processor 12 and a memory 14. Memory 14 includes an operating system 16, and instructions 18, that when executed by the processor 12, perform an exemplary restructuring integration process 100, described below.** A specific restructuring process, referred to as a merger and acquisition (M&A), will be used as an example throughout this description. However, the process 100 can be applied to most corporate change or restructuring

activities, such as spin-offs, department mergers and splits, and so forth. Memory 14 also
includes common restructuring business processes modules 200, application logic 300,
and a core framework of services 400 that support the restructuring integration process
100. The system 10 includes a link to a storage device 20 and an input/output device 22.
The input/output device 22 can include a graphical user interface (GUI) 24 for display to
a user 26. (*See* the subject application, as published, paragraph [0053]; emphasis added.)

Applicants respectfully submit that it is well known to those of ordinary skill in the art

that a "software product" (e.g., a computer program product) may include "instructions" (i.e.,

instructions 18) that, when executed by a processor, perform operations (e.g., a process).

Further, Applicants respectfully submit that the amendment to claims 37-47 make it clear that

claims 37-47 constitute an apparatus (or apparatuses) and a system (or systems). *See In re*

Beauregard, 53 F.3d 1583 (Fed. Cir. 1995). As such, Applicants respectfully request that the

objection to claims 37-47 be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claim 1 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lineberry

et al. (U.S. Patent Application Publication No. 2002/0169649, hereinafter "Lineberry") in view

of Zhang et al. (U.S. Patent Application Publication No. 2002/0188542, hereinafter "Zhang") and

further in view of Marpe et al. (U.S. Patent Application Publication No. 2002/0184191,

hereinafter "Marpe"). Applicants respectfully traverse this rejection.

First, Applicants respectfully submit that Lineberry, Zhang, and Marpe, whether viewed

separately or in combination, do not disclose each and every limitation of Applicants' newly

amended independent claim 1. Applicants' newly amended independent claim 1 is provided

below for the Examiner's convenience:

1.   (currently amended) A method for facilitating monitoring human resources management information, comprising:

providing a single logical physically distributed information system across one or more information systems of at least two enterprises;

providing an individually configurable user interface remotely connected to said single logical physically distributed information system;

populating said individually configurable user interface with monitoring information applied to planning, managing, and assessing human resources in at least one of an integration, a merger, an acquisition and a spin-off of said at least two enterprises, wherein said monitoring information comprises, planning organizational movement of employees, tracking employees through various rankings, job titles, and locations within at least one enterprise of said at least two enterprises, providing a list of jobs within at least one enterprise of said at least two enterprises, tracking performance levels and promotion requests of said employees, and redeploying resources of at least one enterprise of said at least two enterprises;

filtering, via a headcount analysis user interface, one or more organizational units of a first enterprise;

displaying, at the headcount analysis user interface, a headcount of the first enterprise during a specified time period; and

modifying, via a headcount planning module, current headcounts of the first enterprise according to headcount information from a second enterprise. (*See* Applicant's amended claim 1; emphasis added.)

As indicated, Applicants' newly amended claim 1 is directed toward facilitating human resource management in a merger or acquisition. More specifically, Applicants' newly amended claim 1 is directed towards headcount analysis and modification for the enterprises associated with the merger or acquisition. Support for Applicants' amendment to claim 1 may be found throughout the subject application, as published, and, for example, in paragraphs [0086] and [0100], and figures 6 and 13. Paragraphs [0086] and [0100], and figures 6 and 13 are provided below for the Examiner's convenience:

[0086] **FIG. 6 illustrates an exemplary user interface 1400 for a headcount analysis. The user interface 1400 can present the headcount for a time period 1405, and allows a user to exchange 1410, expand 1420, or filter 1430 one or more organizational units 1412, employees 1414, employee subgroups 416 or cost centers 1418.** The user interface 1400 displays a chart 1440 and/or table 1480 for groups 1460 in

an organizational unit 1412, as well as the number of members 1470 in each group 1460. The total number of members 1450 for the organizational unit 1412 can also be displayed. The user interface 1400 can be part of the module 200. (*See* the subject application, as published, paragraph [0086]; emphasis added.)

[0100] FIG. 13 shows an example page 2100 for a manager 2120 involved in planning the headcount of the merger and acquisition. The example page 2100 can have a first user interface for a first organization and a second user interface for a second organization, in which both interfaces present one or more employees from each respective organization. **A headcount planning module can view the organization by the region 1130 and employee function in the company. In this example, the headcount planning module can modify (via a button 2170) the current headcounts at the parent company 2150 according to the headcount information from Sommer Company 2110. The headcount planning module can also create (via a button 2180) or delete (via a button 2190) a division, team, group 2160, or unit in the parent company to accommodate the employees from Sommer Company.** Depending on the staffing needs of Sommer Company 2110 and the parent company 2150 in the merger process, employees can be assigned (via a button 2195) to a particular department. Other headcount planning and employee redeployment tasks, such as notifying a line manager of headcount changes, can be performed in related organizational restructuring interfaces. (*See* the subject application, as published, paragraph [0100]; emphasis added.)
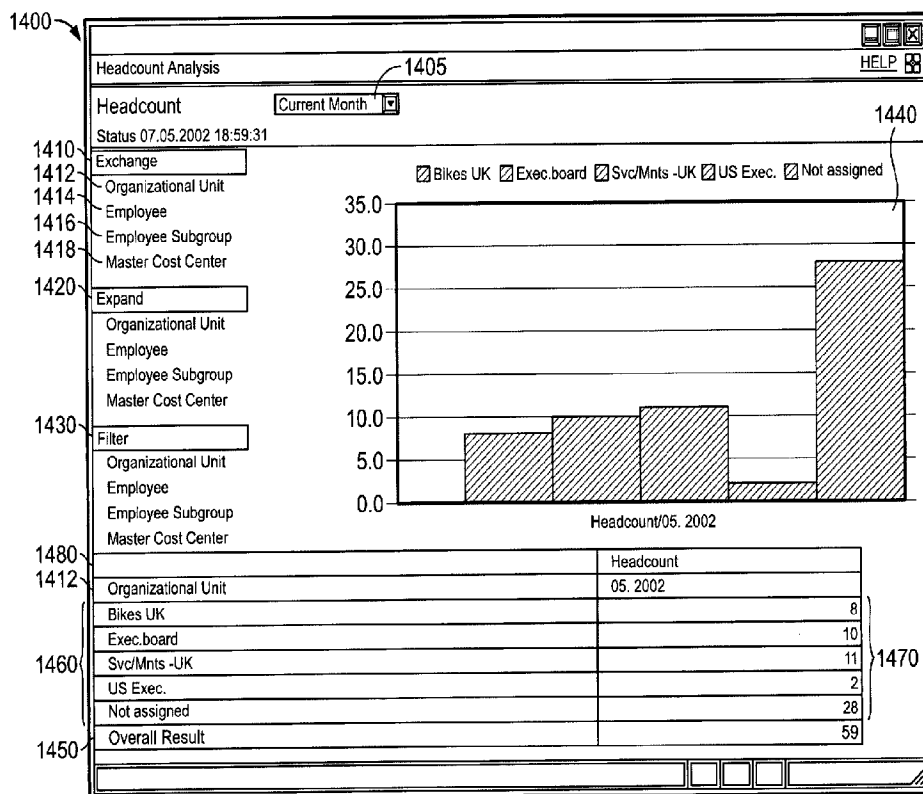

FIG. 6

2100

2110
2120 Sommer Co.> Management > BU Hope > R&D
      Manager. Rene Ui   2190   2170   2195
2180
        | Make New | Delete | Modify Headcount | Assign to... |
2150   Parent Co.   Sommer Co 2110
2130
       Region | North America   Region | Europe
2140
       View by | Organizational Structure   View by | Organizational Structure

2160

⊞Management   ⊞Management
  ⊟Finance (88-92-4) Paster Laura   ⊟Purchasing (88-92-4) Kiln Bailinill
  ⊞BU Maxi (120-96-24) Yue Instant   ⊞BU Hope (120-96-24) Stella Hong
    ⊞Development (82-78-4) Joe Macin   ⊞R&D (82-78-4) Rene Ui
      ⊞Group A (30-3-27-1) Bobba Young   ⊞Team Joy (30-3-27) Mike Kucci
        John Smith   Money Loo
        Mary Linch   Pitmuch Kind
        Gabriella Doe (Sommer Co.)   Hai-ming Tai
      ⊞Group B (30-2-28) Yaomei Pusch   ⊞Team Fly (30-2-28) Michael Nol
        Marvey Lam   Joe Lee
        Thomas Jot   Hooper Brown
      ⊞Group C (22-2-20) Abbai Jomacci   ⊞Team Dream (22-2-20) Manboo Theo
        Josef Bacotanney   Barry Ku
        Cissy Maltiny   Heidi Mao
    ⊞Product Management (10-9-1) Obcean Kong   ⊞Project Management (10-9-1) May Chan
      ⊞Group X (3-3-0) Enterni Marcy   ⊞Unit Hess (3-3-0) Enterni Marcy
        Master Lee   Gerrard Frey
        Marta Schmitz   Mack Miki
        Pauline Zelten   Sasaki Yamamoto
    ⊟Group Y (4-3-1) Inni Man   ⊟Unit Manne (4-3-1) Puey Cjoa
    ⊟Group Z (3-3-0) Dandy Power   ⊟Unit X (3-3-0) Hoover Johnson
  ⊟Infrastructure (28-24-4) Melanie Bossy   ⊟Services (28-24-4) Drew Morre

FIG. 13

Applicants respectfully submit that Lineberry, Zhang, and Marpe do not disclose any of
the limitations: (i) "filtering, via a headcount analysis user interface, one or more organizational
units of a first enterprise[,]" (ii) "displaying, at the headcount analysis user interface, a headcount
of the first enterprise during a specified time period[,]" and (iii) "modifying, via a headcount
planning module, current headcounts of the first enterprise according to headcount information
from a second enterprise[,]" as recited in Applicants' newly amended claim 1. Applicants note
that in order for the references cited to render newly amended claim 1 unpatentable under 35
U.S.C. 103, the references cited must disclose each and every limitation in their **entirety**.

Applicants respectfully submit that Lineberry, Zhang, and Marpe, whether viewed separately or in combination, do not appear to disclose **headcount analysis or modification** as recited in Applicants' newly amended claim 1. Applicants note that the Examiner understands that Lineberry, Zhang, and Marpe do not disclose *headcounts*, and more specifically do not disclose "viewing a *headcount* of various departments within at least one of said at least two enterprises[.]" *See* the subject action, page 17; emphasis added. Since Lineberry, Zhang, and Marpe do not disclose *headcounts* or more specifically "viewing a *headcount* of various departments within at least one of said at least two enterprises[,]" Applicants respectfully submit that Lineberry, Zhang, and Marpe do not disclose "displaying, at the headcount analysis user interface, a headcount of at least one of the enterprises during a specified time period" as recited in Applicants' newly amended claim 1.

Further, since Lineberry, Zhang, and Marpe do not disclose *headcounts*, Applicants respectfully submit that Lineberry, Zhang, and Marpe do not appear to disclose the "headcount analysis user interface" or the "headcount planning module" limitations of Applicants' newly amended claim 1. Consequently, since Lineberry, Zhang, and Marpe do not disclose the "headcount analysis user interface" or the "headcount planning module" of Applicants newly amended claim 1, Applicants respectfully submit that Lineberry, Zhang, and Marpe do not disclose the limitations "filtering, via a headcount analysis user interface, one or more organizational units of the at least one enterprise" or "modifying, via a headcount planning module, current headcounts at the at least one enterprise according to headcount information from the other enterprise" as recited in Applicants claim 1. As such, Applicants respectfully submit that Lineberry, Zhang, and Marpe do not disclose each and every limitation of Applicants' newly amended claim 1.

Applicants note that even if the Examiner believes or characterizes that Lineberry, Zhang, and Marpe disclose *headcounts*, Lineberry, Zhang, and Marpe still do not appear to disclose any of the limitations: (i) "filtering, via a headcount analysis user interface, one or more organizational units of a first enterprise[,]" (ii) displaying, at the headcount analysis user interface, a headcount of the first enterprise during a specified time period[,]" and (iii) "modifying, via a headcount planning module, current headcounts of the first enterprise according to headcount information from a second enterprise[,]" as recited in Applicants' newly amended claim 1. Applicants respectfully submit that the term *headcounts* does not represent the **entirety** of any single limitation that Applicant has added regarding claim 1.

Second, it is Applicants' understanding that the Examiner believes that paragraphs [0008], [0009], and [0010] of Digate et al. (U.S. Patent Application Publication No. 2002/0184061, hereinafter "Digate") discloses *headcounts* as recited in Applicants' claim 29. *See* the subject action, page 17. Applicants respectfully disagree with this characterization. Paragraphs [0008], [0009], and [0010] of Digate are provided below for the Examiner's convenience:

> [0008] **It would therefore be desirable to provide computer network-based methods and systems for disseminating business objectives both for project groups and for each of the project participants.** It would also be desirable to provide methods and systems for tracking the progress of the project group and of each member of that group toward achieving those objectives. It would further be desirable to provide such dissemination and tracking abilities that function in real-time. It would also be desirable to provide computer network-based methods and systems that provide uniformity in the form of the tracking and reporting, while permitting flexibility in their content. (*See* Digate, as published, paragraph [0008]; emphasis added.)

> [0009] **In one embodiment of the invention, a personal scorecard provides managers with a simple and easy way of disseminating business objectives to their employees around the world, and tracking their progress toward meeting those objectives.** The scorecard simplifies the manager's task in preparing progress reports by providing a consistent format while allowing flexibility in content. With a "roll up" method of the system, the scorecard provides managers with instant information as objectives are met. It also provides employees with an easy and convenient method to obtain their objectives, to track their progress toward meeting their objectives, and to record achievements as

they occur. With the personal scorecard, performance appraisals become a matter of transferring the information from the scorecard to the performance appraisal. The personal scorecard thus reduces the burden on the employee and ensures that all accomplishments will be noted. (*See* Digate, as published, paragraph [0009]; emphasis added.)

[0010] In an exemplary embodiment, a computer network-based method for disseminating business objectives and tracking progress toward achieving these objectives is implemented through use of a Web-based system. The system includes a central server containing multiple Web-enabled clients, and multiple interactive Web pages linked to or within multiple Web-based pages corresponding to individual projects for which results are tracked. The Web pages are used to access and store information relating to business objectives in the Web-enabled databases, and to track progress toward achieving these objectives as described below. Elements of the system are accessible by remote users with a user interface such as a Web-browser on a computer coupled to the computer network. (*See* Digate, as published, paragraph [0010].)

As shown above, and in contrast to the subject application, Digate is directed towards "a personal scorecard [that] provides managers with a simple and easy way of disseminating business objectives to their employees around the world, and tracking their progress toward meeting those objectives." More specifically, while the *headcounts* of the subject Application are directed towards **headcount analysis and modification** in mergers and acquisitions, Digate is directed towards scorecards for employees' progress on projects. As such, Applicant respectfully submits that paragraphs [0008], [0009], and [0010] of Digate do not appear to disclose *headcounts* at all, let alone as recited in Applicants' claim 29. As requested by the Examiner, Applicants have considered Digate in its entirety and, in fact, Applicants are unable to find the term "headcount" or similar terms anywhere in Digate. Applicants respectfully submit that since Digate does not disclose *headcounts*, it follows that Digate does not disclose the headcount analysis and modification features of Applicants' newly amended claim 1 (provided above).

While Applicants' respectfully submit that Digate does not disclose *headcounts* as recited in Applicants claim 29, Applicants have amended claim 29 in the interest of advancing

prosecution of the subject application. Applicants' newly amended claim 29 is provided below

for the Examiner's convenience:

> 29. (currently amended) The method of claim 1, <u>further comprising</u>:
>
>   <u>displaying, at the</u> headcount <u>analysis user interface, details of</u> at least one of said
> at least two enterprises, <u>including previous</u> headcount <u>transitions,</u> predicted headcount
> transitions <u>and employee turnover rates</u>; and
>
>   <u>creating, via the headcount planning module, a unit at one of the enterprises to
> accommodate employees at the other enterprise.</u> (*See* Applicant's amended claim 29;
> emphasis added.)

As shown above, Applicants' newly amended claim 29 includes the limitations

"headcount analysis user interface" and "headcount planning module". Since Digate does not

disclose *headcounts*, Applicants respectfully submit that Digate does not disclose the limitations

"headcount analysis user interface" or "headcount planning module", let alone the **headcount**

analysis and modification limitations of Applicants' newly amended claim 29. Therefore,

Applicants respectfully submit that Lineberry, Zhang, Marpe, and Digate, whether viewed

separately, or in combination, do not disclose each and every limitation of Applicants' newly

amended claims 1 or 29.

As such, Applicants respectfully submit that claims 1 and 29 of the subject application

are in condition for allowance. Further, Applicants have amended claims 37 and 40 to include

limitations similar to that of claims 1 and 29, respectively. Therefore, Applicants respectfully

submit that claims 37 and 40 are in condition for allowance as well. Since the remaining claims

depend, either directly or indirectly, from claims 1 or 37, Applicants respectfully submit that

those claims are also in condition for allowance. Withdrawal of the rejection under 35 U.S.C. §

103 is respectfully requested.

REPLY TO FINAL OFFICE ACTION OF 20 FEBRUARY 2009   **Page 20**
Serial Number: 10/750,229   Docket: 103580.00022
Response dated 07 May 2009

Having overcome all of the outstanding rejections, Applicants respectfully submit that the subject application is now in condition for allowance. Applicants believe that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

In light of the above remarks, Applicants respectfully assert that the subject application is in condition for allowance. While Applicants respectfully assert that the subject application is now in condition for allowance, the Examiner is invited to telephone Applicant's attorney (617-305-2143) to facilitate prosecution of this application. Please apply any charges or credits to deposit account 50-2324.

Respectfully submitted,

Dated: 07 May 2009   /Brian J. Colandreo/
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